IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	)	
	)	
Applicants: Louis A. Schick, et al.	)	Examiner: Fisher, Michael J.
	)	
Serial No.: 09/736,495	)	Group Art Unit: 3629
	)	
Filed: 12/13/2000	)	Confirmation No.: 3646
	)	
Title: System And Method For	)	Docket No.: 20-LC-2099/624226-
Managing A Fleet Of Remote	)	289
Assets	)	
	)	

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<u>APPELLANT'S REPLY BRIEF UNDER 37 CFR 41.41</u>

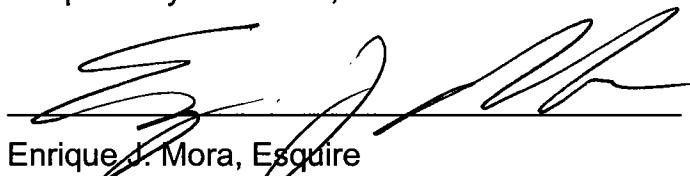This reply brief is in response to the Examiner's Answer mailed on December 13, 2007.

Firstly, the Examiner errs in asserting that "*Operational modes, as they are not described in the claims*". See page 6, section 10, line 4 of Examiner's Answer. Although the intent of the foregoing statement is not clear on its face, appellant respectfully notes that a claim is not required to provide a written description of the invention. See *Orthokinetics Inc. v. Safety Travel Chairs Inc.*, 806 F2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986).

Secondly, the Examiner errs in stating that "*fault monitoring, inherently and necessarily monitors "wear"*. Appellant respectfully points out that one skilled

in the art would appreciate that a machine experiences wear during normal operation even though not a single fault may have occurred.

Lastly, the Examiner errs in construing that determining a respective operational mode (such as braking level, acceleration level, etc.), and associating a respective operational mode with a distinct level of wear of the asset is a concept identical to the fault monitoring aspects described by Chou. As noted above, the concept of wear is distinct from the concept of a fault since, for example, distinct levels of wear may occur in a machine, even in the absence of any faults.

Respectfully submitted,

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